

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America
v.
KQUASHAND MARKQUESE MORGAN

Case No.

1:23MJ 37

Defendant(s)

FILED
in the Middle District of
North Carolina

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 17, 2023 in the county of Forsyth in the Middle District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(1) Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Affidavit

Continued on the attached sheet.

On this day, the applicant appeared before me via reliable electronic means, that is by telephone, was placed under oath, and attested to the contents of this Criminal Complaint and attached affidavit in accordance with the requirements of Fed. R. Crim. P. 4.1.

Date: 18/03/2023

City and state: Winston-Salem, North Carolina

/S/ RUSSELL JOHNSON

Complainant's signature

Russell Johnson, Special Agent, ATF

Printed name and title

Joi Galadriel Peale
Judge's signature

Joi E Peake, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Russell Johnson, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) being duly sworn according to law, depose and state as follows:

AFFIANT'S EXPERIENCE

1. I am an investigative or law enforcement officer of the United States, within the meaning of Title 18, United States Code, Section 2510(7) and am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. As a law enforcement officer, I have used and/or participated in a variety of methods investigating firearms and narcotics related crimes, including, but not limited to, visual surveillance, witness interviews, the use of search warrants, confidential informants, undercover agents, pen registers/trap and trace devices, and mobile tracking devices. Based upon information gained through this investigation and others pertaining to firearm trafficking activities of the participant in this investigation, I am familiar with the ways firearm traffickers conduct their business. My familiarity includes the various means and methods by which firearm traffickers acquire and distribute their firearms, their use of cellular telephones, and their use of vehicles in furtherance of firearms trafficking and money transactions.

3. As a result of my training and experience, I am familiar with the Federal Criminal Codes and know that it is a violation of:

4. **18 U.S.C. § 922(g)(1)**, for any person who has been convicted in any court of a crime punishable by a term of imprisonment exceeding one year, to possess any firearm in or affecting interstate commerce, or to receive any firearm which has been shipped or transported in interstate or foreign commerce.

PURPOSE OF AFFIDAVIT

5. This affidavit is made in support of an application for a criminal complaint for Kquashand Markquese MORGAN.

6. I have probable cause to believe that on January 17, 2023, MORGAN did Possess a Firearm while being a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1).

THE INVESTIGATION – FACTUAL BACKGROUND

7. Because this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause of violation of federal criminal offense, specifically 18 U.S.C. § 922(g)(1).

PROBABLE CAUSE

8. On January 17, 2023, the Winston-Salem Police Department (WSPD) detectives were conducting follow-up investigations in the area of Dunleith Avenue and East Twenty-Third Street, Winston-Salem, NC. While parked stationary at that intersection, WSPD Detective A. Lazusky observed MORGAN run into what appeared to be an abandoned residence located at 1422 East Twenty-Third Street, Winston-Salem, NC.

9. Shortly after Det. Lazusky observed MORGAN run into the residence, Det. Lazusky observed a muzzle flash come from a window inside the residence and heard an audible gun shot. MORGAN then fled from the residence at which time Det. Lazusky activated the red/blue emergency lights in his police vehicle and followed MORGAN as he ran down East Twenty-Third Street. As MORGAN fled, Det. Lazusky observed MORGAN in possession of a handgun.

10. MORGAN failed to stop for law enforcement, but was subsequently taken into custody. Once in custody, the path of flight taken by MORGAN was retraced and Det. Lazusky recovered a firearm, which he believed it to look like the firearm that he witnessed MORGAN possess. The firearm is further described as a Glock, model 26Gen4, 9mm pistol, serial number WKP763.

11. Following the arrest, MORGAN was read his *Miranda* Rights and agreed to speak with WSPD Officers. During the interview, MORGAN

admitted to possessing the firearm, shooting the firearm, and fleeing from officers. MORGAN detailed to the officers when he purchased the firearm and that he had the firearm “wrapped,” referring to it being painted. MORGAN admitted that he was a convicted felon and prohibited from possessing firearms.

NEXUS

12. On January 17, 2023, Special Agent Paul Johnson was provided photographs of the firearm and examined the photographs of the firearm and its markings required under 27 CFR 478.92, which include but are not limited to the serial number, name of manufacturer, model, caliber or gauge, and also, when applicable, the importer and proof marks. The firearm is described as follows:

- a) Glock, model 26Gen4, 9mm pistol, serial number WKP763.

13. Based upon the above descriptions, as well as researching firearm periodicals, books, other known media, and the internal ATF database that is kept up to date on manufacturers of both firearms and ammunition, and in conjunction with the knowledge and experience of Special Agent Paul Johnson, it is his opinion that:

- a) Glock, model 26Gen4, 9mm pistol, serial number WKP763 was manufactured in Austria.

FELONY CONVICTION

14. A criminal history inquiry revealed MORGAN has been convicted of a felony offense punishable by a term of imprisonment exceeding one year. A criminal history check of MORGAN was conducted and revealed he is a multiple time convicted felon. For MORGAN's conviction for Breaking and/or Entering, which was prosecuted in the Forsyth County, North Carolina Superior Court, on April 25, 2018, he received a criminal sentence of 6-17 months.

15. On January 17, 2023, ATF TFO La Valley contacted the North Carolina Governor's Clemency Office in reference to MORGAN's pardon status. It was confirmed that MORGAN has not received nor applied for a pardon. Therefore, MORGAN's Second Amendment Right to possess a firearm or ammunition has not been restored.

CONCLUSION

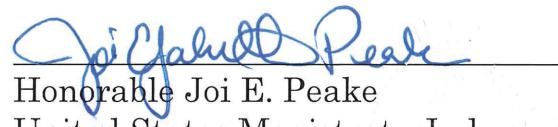
16. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on January 17, 2023, within the Middle District of North Carolina, Kquashand Markquese MORGAN

committed the following criminal offenses: Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1).

/S/ RUSSELL JOHNSON
Russell Johnson, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Dated: January 18, 2023.

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this written affidavit.


Honorable Joi E. Peake
United States Magistrate Judge
Middle District of North Carolina